

EXHIBIT A

~~NINETEENTH~~ ^{TWELTH}
IN THE CIRCUIT COURT OF THE JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LICA MADIGAN, Attorney General)
of the State of Illinois,

Plaintiff,

v

OAKVIEW AVENUE WATER WORKS, INC.,)
an Illinois corporation, and)
GEORGE E. STOURTON, individually and)
as president of Oakview Avenue Water)
Works, Inc.

Defendant.)

No. 03 CH 130

*present the petition
with Thursday
8:30 AM*

INTERIM ORDER FOR PRELIMINARY INJUNCTION

This cause coming before the Court on Plaintiff's Motion for Preliminary Injunction, due notice having been given, the Court having reviewed the Motion, the parties having agreed to the following Interim Order for a Preliminary Mandatory Injunction,

NOW, THEREFORE, the Court enters the following preliminary injunction which shall remain in effect until further order by this Court:

BACKGROUND

1 Finding Plaintiff to have alleged that Defendant, OAKVIEW AVENUE WATER WORKS, INC. ("Oakview"), and GEORGE E STOURTON, by their actions, have created circumstances of ongoing harm to the environment or the public health or welfare at its public water supply "PWS") located in Joliet, Will County, Illinois, in direct contravention of requirements of the Illinois Environmental Protection Act ("Act" 415 ILCS, 5/1 et seq. (2002), and Illinois Pollution Control Board regulations Plaintiff alleges that the Defendants failed to provide a safe

and adequate supply of potable water to the approximately 309 consumers within its service area.

GENERAL PROVISIONS

2 This Order shall not be deemed an admission of any wrongful conduct or violation of any applicable statute, law or regulation thereunder by the defendants nor a finding of fact or adjudication by this Court of any of the facts or claims contained in the Verified Complaint.

3. This Order is not a final resolution on the merits of Plaintiff's Complaint filed herein, but rather addresses Plaintiff's most immediate concerns regarding the lack of potable water and low or no water pressure alleged in the Verified Complaint.

4. This Order shall apply to and bind the parties hereto

REMEDIAL ACTION BY DEFENDANTS

5. Defendants shall begin the corrective actions as follows:

- a. Within ^{14 d. 6 hrs.} ~~48 hours~~ after entry of this Order, Defendants shall provide proof that a tank with an amount of hydropneumatic storage capacity equal to or greater than 10,815 gallons for his 309 consumers as required by Section 653.107 of the Board Regulations for Public Water Supplies, 35 Ill. Adm. Code 653.109 has been ordered. Such tank shall be installed and properly permitted within ^{120 days} ~~90 days~~ of the entry of this Order;
- b. Defendants shall maintain an adequate groundwater production capacity at all times by insuring that the PWS has

properly permitted and operating wells as required by Section 653.109 (a) of the Illinois EPA Regulations for Public Water Supplies, 35 Ill. Adm. Code 653.109(a), and Section 654.202 of the Illinois EPA Regulations for Public Water Supplies, 35 Ill. Adm. Code 654.202; yes

c. Within 30 days of the entry of this Order, Defendants shall provide auxiliary power to their public water supplies facility;

d. Within 30 days of the entry of this Order Defendants shall provide fluoride to the finished water to maintain a fluoride ion concentration reported as F of 0.9 to 1.2 mg/l in its distribution system as required by Section 611.125 of the Board Regulations for Public Water Supplies, 35 Ill. Adm. Code 611.125 and Section 653.701(b) of the Agency Regulations for Public Water Supplies, 35 Ill. Adm. Code 653.701(b); no

e. Within 30 days of the entry of this Order, Defendants shall submit well sample results, plans and specifications and all other documents necessary to complete the application for issuance of a construction permit for Well 4; yes

Within 30 days of the issuance of the construction permit for Well 4, Defendants shall submit all documentation necessary to complete the application for issuance of an operating permit for Well 4; yes

Defendants shall grant on-site access to the Site to authorized representatives of the Illinois Attorney General's Office and the Illinois EPA; no

7 Defendants and any and all persons acting on their behalf shall cooperate with Plaintiff's investigation and evaluation of the Site;

8. If the Illinois EPA rejects or requires the modification of any submittal by Defendants, Illinois EPA shall identify the basis for the rejection or modification and shall identify the nature of any deficiency(s) in said submittal

9. Any disputes arising about future compliance activities under this Order shall be resolved by the dispute resolution procedures identified in paragraph 16 of this Order

MODIFICATION OF SCHEDULES

10. The schedule for completion of any task set forth in this Order may be modified by mutual agreement of the parties in writing without amendment of this Order.

NOTICES

11. All submittals and correspondence relating to the requirements of this Order shall be directed to the following persons:

George Stourton, President
Oakview Avenue Waterworks, Inc.
412 South Oakview Avenue
Joliet, Illinois 60433-2028

George Stourton
17333 104th Avenue
Orland Park, Il. 60467-5457

Paula Becker Wheeler
Assistant Attorney General
Office of the Illinois Attorney General
188 West Randolph Street, Suite 2001
Chicago, Illinois 60601

Joey Logan-Wilkie
Associate Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

STIPULATED PENALTIES

12. If Defendants fail to comply with any of the requirements of this Order, Defendants shall have three (3) business days from the date of receipt of written notification of violation(s) in which to correct the violation(s) without penalty.

13. If the violation(s) continues past the three (3) business days allowed above, Defendants agree to pay to the Plaintiff, for payment into the Environmental Protection Trust ("EPTF" , stipulated penalties from the date the violation occurred:

<u>Period of Non-Compliance</u>	<u>Stipulated Penalty</u>
1st to 30th Day	\$250.00/day per violation
31st to 60th Day	\$500.00/day per violation
After 60th Day	\$1,000.00/day per violation

14. Plaintiff is not required to provide Defendants with notice of noncompliance for the imposition of stipulated penalties. However, in the event the Plaintiff determines that a violation that could be subject to stipulated penalties has occurred, Plaintiff will provide written notification of such violation to Defendants as set forth in paragraph 11 of this Order. Failure by the Plaintiff to provide such written notification shall not be construed as a waiver of Plaintiff's right to seek stipulated penalties under this Order.

15. All penalties owed shall be payable within thirty (30) calendar days of the receipt of written demand from Plaintiff.

penalties shall be paid by certified check or money order payable to the Treasurer of the State of Illinois for deposit in the Environmental Protection Trust Fund and delivered to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

case name, case number and Defendants' Federal Employer Identification Number and Social Security Number shall appear on the face of the certified check or money order.

DISPUTE RESOLUTION

16. The parties shall use their best efforts to resolve any and all disputes or differences of opinion arising with regard to this Order, informally and in good faith. If, however, a dispute arises concerning this Order that the parties are unable to resolve informally, either party may, by written motion, request that an evidentiary hearing be held before the Circuit Court of the 20th Judicial Circuit, Will County, Illinois, to resolve the dispute between the parties. Defendants shall bear the burden of proving that it did not violate this Order.

FORCE MAJEURE

17. For the purpose of this Order, force majeure is an event arising beyond the reasonable control of Defendants which prevents the timely performance of any of the requirements of this Order.

18 When, in the opinion of Defendants, circumstances have occurred which cause or may cause a delay in the performance of any of the requirements of this Order, Defendants shall notify the Attorney General's Office and the Illinois EPA in writing as soon as practicable, but oral notice shall be given to the Attorney General's Office and the Illinois EPA within 48 hours of the occurrence and written notice shall be given to the Attorney General's Office and the Illinois EPA no later than ten (10) calendar days after the claimed occurrence. Failure to so notify the Attorney General's Office and the Illinois EPA shall constitute a waiver of any defense under this Section of this Order arising from said circumstances. Defendants shall provide a detailed written description of the precise cause or causes of the claimed occurrence which resulted or will result in the delay, the nature of the delay and its expected duration, the measures taken or to be taken to prevent or mitigate the delay, and the timetable under which such measures will be taken. Defendants shall adopt all reasonable measures to avoid or minimize such delay.

19 If the parties agree that the delay has been or will be caused by circumstances beyond the control of Defendants, the time for performance may be extended for a period equal to the length of the delay as determined by the parties

20. In the event that the parties cannot agree that a force majeure event has occurred or the extent thereof, the dispute shall be resolved in accordance with paragraph 16 of this Order.

However, invocation of the Dispute Resolution provisions of paragraph 16 of this Order is not in and of itself a force majeure event. Defendant has the burden of proving a force majeure event by a preponderance of the evidence as a defense to compliance with the Order

An increase in costs associated with implementing any requirement of this Order shall not, by itself, excuse Defendants under the provisions of this Section of the Order from a failure to comply with such a requirement

This Order may be signed in counterparts, all of which shall be considered one agreement.

STATUS CONFERENCE WITH THE COURT

23. This matter is set for status on MAY 9
2003, at 8:30 a.m., without further notice.

WHEREFORE the parties, by their representatives, enter into this Agreed Interim Order and submit it to the Court that it may be approved and entered.

PLAINTIFF:

PEOPLE OF THE STATE OF ILLINOIS
ex rel. LISA MADIGAN
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos Litigation Division

BY:

Rosemarie Cazeau
ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

DATE:

2/28/03

DEFENDANTS:

OAKVIEW AVENUE WATER WORKS, INC.

BY:

TITLE:

DATE:

George E. Stourton
President
2/28/03

GEORGE E. STOURTON, individually

George E. Stourton

ENTERED:

Henry H. Hove
JUDGE

DATE:

2/28/03